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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1675 (2006) of 28 April 2006, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2006. In that resolution, the Council requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period. The present report covers developments since the issuance of my report dated 19 April 2006 (S/2006/249).

II. Recent developments in Western Sahara

2. On the seventh anniversary of his accession to the throne, King Mohammed VI of Morocco gave a speech, on 29 July 2006, in which he referred to the Moroccan initiative launched in the past year to find a political solution to the Western Sahara question. He mentioned his consultations with political parties on a proposed autonomy plan for Western Sahara and his decision to strengthen the Royal Advisory Council for Saharan Affairs, whose members had been invited to submit views on the plan. King Mohammed VI stated that the reaction of the international community had been positive thanks to Morocco's wish to cooperate with all parties concerned towards realizing the full potential of a common regional future.

3. Following my last report to the Council and in advance of a visit by the Office of the United Nations High Commissioner for Human Rights, King Mohammed VI ordered the release on 22 April of 46 prisoners, including 38 Saharan activists who had been jailed in 2005 for participating in demonstrations demanding self-determination for Western Sahara. Their release sparked demonstrations in towns across the Territory, with consequent allegations of further arrests and detention of demonstrators by Moroccan authorities.

4. Moreover, during the period under review, demonstrations by Saharans calling for respect for human rights and the right to self-determination continued in the Territory. Violent confrontations were reported between Moroccan security forces and demonstrators, leading to arrests and detentions. Between 2 May and 30 June, I received six letters from the Secretary General of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario), Mohamed

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Abdelaziz, alleging human rights abuses by Moroccan authorities in the Territory, including detention, torture, lack of judicial due process and the disappearance of political prisoners and human rights activists. On 2 June, I received a letter from the Permanent Representative of Morocco to the United Nations calling for United Nations intervention to stop oppression in the camps in Tindouf following alleged reports of unrest there.

5. On 26 July, the European Union signed a fisheries agreement with the Government of Morocco whereby fishing vessels from countries in the Union would gain access to the territorial waters off Morocco. The agreement did not exclude the waters off Western Sahara. In a letter addressed to me on 23 May, the Secretary General of the Frente Polisario deplored the exploitation by Morocco of the natural resources of Western Sahara, stating that certain clauses of the agreement constituted a breach of international law and that the agreement might complicate the situation in Western Sahara.

III. Activities of my Personal Envoy

A. Contacts with the parties and neighbouring States

6. During the reporting period, my Personal Envoy, Peter van Walsum, held consultations with the representatives of the two parties, the Government of Morocco and the Frente Polisario, as well as with the representatives of the neighbouring countries, Algeria and Mauritania, and with those of other interested countries.

7. Concerning the two parties, in addition to meetings in New York with the Permanent Representative of Morocco, my Personal Envoy met in Rabat, on 4 and 5 September, with the Prime Minister, Driss Jettou, the Minister for Foreign Affairs and Cooperation, Mohamed Benaissa, the Minister Delegate for Foreign Affairs and Cooperation, Taieb Fassi Fihri, the Minister of the Interior, Chakib Benmoussa, the Minister Delegate of the Interior, Fouad Ali Himma, and other senior Government officials. Furthermore, my Personal Envoy met with the representative of the Frente Polisario in New York and with M'Hamed Khadad, the coordinator of the Frente Polisario with MINURSO, in The Hague on 2 August. He met again in the Tindouf area from 6 to 8 September, with M'Hamed Khadad, Abdelkader Taleb Omar, El Khalil Sidi M'Hamed and other senior Frente Polisario officials. In the Tindouf area, he also visited the refugee camps of Awsard, the 27 February School and Dakhla.

8. Concerning the neighbouring countries, in New York my Personal Envoy met with the Permanent Representative of Algeria to the United Nations and was received by the Minister for Foreign Affairs, Mohammed Bedjaoui, on 25 September. Furthermore, he met in New York with the Permanent Representative of Mauritania to the United Nations and was received by the President of the Military Council for Justice and Democracy and Head of State, Colonel Ely Ould Mohamed Vall, and by the Minister for Foreign Affairs, Ahmed Ould Sid'Ahmed, and other senior Government officials in Nouakchott on 11 September. My Personal Envoy also held consultations with representatives of interested countries in New York and met with the authorities of Spain, the United States of America and

France, in Cordoba, Washington and Paris on 17, 22 and 28-29 September respectively.

9. During his various meetings in the region and in New York, my Personal Envoy listened to the parties' concerns and positions on the way out of the current impasse, and reiterated the recommendation for negotiations between Morocco and the Frente Polisario. Morocco informed him of its ongoing work on an autonomy proposal. Since then, the Moroccan authorities have made it known that their initiative would be presented in the coming months. The Frente Polisario restated its attachment to the Western Saharan people's right to self-determination, to be exercised in a referendum including the option of independence. In the course of the meetings with neighbouring States and other interested countries, the Algerian authorities reiterated that their country was not a party to the conflict and that, therefore, any negotiations should be between Morocco and the Frente Polisario, as already stated in the letter dated 20 February 2006 from President Bouteflika addressed to me. Mauritania once again stressed its strict neutrality, but also its strong support for the United Nations in its effort to reach a lasting and mutually acceptable solution to the question of Western Sahara.

10. During his visit to the region, my Personal Envoy took the opportunity to visit, for the first time since his appointment, MINURSO headquarters in Laayoune and the Mission's area of operations, both east and west of the berm, in order to familiarize himself with the Mission's implementation of its mandate and operations. In Laayoune, my Personal Envoy met with the delegation of the African Union to MINURSO, led by its Senior Representative, Yilma Tadesse (Ethiopia), who recalled the observer mandate of his organization in accordance with the Settlement Plan.

11. I take this opportunity to express my appreciation to the Government of Spain for having made available an aircraft for the travel of my Personal Envoy in the region.

B. Findings of my Personal Envoy

12. It will be recalled that, in his first briefing to the Security Council on 18 January 2006, my Personal Envoy had analysed the current situation along the following lines:

(a) The Security Council insisted on a consensual solution to the question of Western Sahara and had done so from the outset;

(b) On that basis, the Security Council had acquiesced in Morocco's rejection of the Peace Plan for Self-Determination of the People of Western Sahara ("Baker Plan"). Its own support for that plan in resolutions 1495 (2003) and 1541 (2004) had always been qualified by the phrase "on the basis of agreement between the two parties";

(c) As any non-consensual solution was ruled out, there were only two options, either indefinite prolongation of the impasse or direct negotiations between the parties.

13. As that conclusion had been welcomed by his Moroccan interlocutors but contested by those of the Frente Polisario, my Personal Envoy tried to find out

whether any party, neighbouring State or other interested country could suggest a third option more likely to be acceptable to both parties. The only suggestions he received presupposed a willingness on the part of the Security Council to impose a solution by obliging Morocco to accept a referendum with independence as one of the options. As his further consultations confirmed that the latter was unrealistic, his analysis became the basis of the observations and recommendations in my report to the Security Council of 19 April 2006 (S/2006/249).

14. After the adoption of resolution 1675 (2006), whose operative part dealt with little more than a six-month extension of the MINURSO mandate, my Personal Envoy undertook to avail himself of the subsequent six months to clarify his analysis, not only to the Frente Polisario and Algeria, but also to Morocco. He utilized his contacts with authorities and representatives of the parties and neighbouring States to explain that, while it was true that both he and Morocco advocated negotiations, that similarity did not mean that he was convinced by Morocco's legal arguments. In his briefing of 18 January, he had already told the Council that, in his view, the United Nations could not sponsor a plan that excluded a referendum with independence as an option while claiming to provide for the self-determination of the people of Western Sahara, and also that he believed that few people outside Morocco agreed that the advisory opinion of the International Court of Justice of 1975 supported Morocco's view that, on account of the existence of historical ties between the Sultan of Morocco and tribes living in the territory of Western Sahara, General Assembly resolution 1514 (XV) did not apply. The only reason he nevertheless advocated negotiations between the parties was that, given the Security Council's firm rejection of a non-consensual solution, negotiations were the only alternative to indefinite prolongation of the impasse.

15. In that connection, my Personal Envoy also made an effort to clarify his position on the relationship between international legality and political reality. In his briefing of 18 January, he had remarked that the Security Council naturally had to observe international law, but that it also had the responsibility to take account of political reality. In response, the Frente Polisario and Algeria rejected any notion of a compromise between the two and insisted on the supremacy of international legality. In his contacts with the parties and neighbouring States over the past six months, my Personal Envoy pointed out that his acceptance of the fact that the Council had ruled out a non-consensual solution to the question of Western Sahara did not imply diminished respect for international legality. In his view, international legality was broader than General Assembly resolution 1514 (XV) and also included, notably, the Charter of the United Nations. It was the Charter that stipulated that General Assembly resolutions were not directly enforceable, whereas it granted the Security Council the exclusive authority to decide whether a dispute should be addressed under Chapter VI (Pacific Settlement of Disputes) or under Chapter VII (Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression). If the Council availed itself of that authority and opted for Chapter VI, it was acting in conformity with international legality. Moreover, while making that choice in the case of Western Sahara, the Council had not dismissed the basic principle of General Assembly resolution 1514 (XV). The latest Security Council resolutions do not mention the holding of a referendum, but neither does General Assembly resolution 1514 (XV). They do, however, stipulate that the political solution, to be achieved by the parties with the assistance of the Council, must provide for the self-determination of the people of Western Sahara.

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16. During his recent visit to the region, my Personal Envoy asked his interlocutors which of the two options they preferred: continuation of the impasse or negotiations without preconditions. Officials of the Frente Polisario replied that they would opt for the continuation of the impasse, realizing full well that this could only lead to renewed armed struggle. Some of them added that, even if the leadership of the Frente Polisario should continue to call for restraint, the pressure of frustrated young Saharans who wanted to fight might become impossible to resist. These statements shed a somewhat different light on my Personal Envoy's impression that there was a broad trend of resignation to the status quo with regard to the question of Western Sahara.

17. Yet my Personal Envoy did not believe that positions taken by the parties were the only cause of the prolongation of the impasse. Positions adopted by countries outside the region could also hinder the search for a negotiated political solution. Most third countries were anxious to observe strict impartiality, but some apparently practised this by trying to please both parties in equal measure. On the one hand, those countries would show understanding for the reluctance of Morocco to see a territory the size of the United Kingdom of Great Britain and Northern Ireland with only a few hundred thousand inhabitants, become a fully independent State on its southern border; on the other hand, they would be opposed to exerting pressure on the Frente Polisario to accept Moroccan sovereignty over Western Sahara and be content with a referendum without the option of independence. These were valid points, but only if they were made together, not if each party was only told the part that it liked to hear. My Personal Envoy suspected that a selective use of sensible arguments explained why both parties seemed to overestimate the support they enjoyed.

18. During his recent tour of the region, my Personal Envoy underlined that the negotiations he envisaged would have only one objective endorsed by the Security Council: to achieve a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. The fact that other preconditions were ruled out would mean that, in the terms of reference of the negotiations, there would be no room for a demand by the Frente Polisario that there should be a referendum with independence as an option or for a Moroccan demand that its sovereignty over Western Sahara be recognized. Obviously, such demands could be raised by the respective parties in the course of the negotiations.

19. Such negotiations will not get off the ground unless the Security Council makes it absolutely clear that the exercise of self-determination is the only agreed aim of the negotiations; they cannot be about a proposal for Western Saharan autonomy under Moroccan sovereignty (although, again, such a proposal may be tabled), nor about a referendum with independence as an option (although this too may be tabled). The fact that the Security Council has acquiesced in Morocco's rejection of a referendum with independence as an option does not imply that it has rejected such a referendum itself.

20. If either party cannot accept that open-ended approach, there will be no negotiations. Such an outcome would be a serious setback for Morocco, which is anxious to obtain international recognition of its sovereignty over Western Sahara. A setback for one is not, however, automatically a victory for the other. The Frente Polisario should not rejoice either, for as the impasse continues, the international community unavoidably grows more accustomed to Moroccan control over Western

Sahara. The fisheries agreement concluded in July 2006 between the European Union and Morocco is a case in point. Having spent just over a year on his assignment, my Personal Envoy is convinced that the Frente Polisario would be well advised to enter into negotiations now, while there is still consensus in the Council that a negotiated political solution must provide for the self-determination of the people of Western Sahara. That clause can work as a safety valve or an emergency brake: any proposal will need to be judged on its potential for developing into something that can ultimately be regarded as an exercise of the right to self-determination of the people of Western Sahara, and the only judges will be the two parties themselves.

IV. Activities on the ground

A. Military

21. As at 5 October 2006, the military component of MINURSO stood at 209 personnel, including administrative personnel and medical unit officers, against the authorized strength of 230. Regrettably, only one female military observer was contributed during the period under review, although the Force Commander would welcome a larger deployment of female personnel by troop-contributing countries in order to improve the Mission's gender balance. United Nations military observers continued to monitor the ceasefire, which has been in effect since 6 September 1991. The area of responsibility has in general remained calm.

22. During the reporting period, MINURSO performed 4,852 ground patrols and 266 air patrols to visit and inspect units of the Royal Moroccan Army and the military forces of the Frente Polisario, in accordance with military agreement No. 1 between the Royal Moroccan Army and MINURSO, on the one hand, and the Frente Polisario military forces and MINURSO on the other. The greater number of patrols as compared to earlier years was the result of a number of changes in the military structure and procedures of MINURSO, which were explained in my previous report (S/2006/249, paras. 24-28). These changes have increased the operational output of MINURSO and improved its ability to do its part to maintain the ceasefire.

23. MINURSO continued to enjoy good relations with both the Royal Moroccan Army and the Frente Polisario armed forces. However, the two parties continued to abstain from dealing directly with each other. All contacts were in the form of meetings and written communications with MINURSO. A MINURSO proposal to establish a joint military verification commission, designed to build confidence between the parties, is still under discussion with the Royal Moroccan Army.

24. Violations of military agreement No. 1 by both parties remain on the same level compared to the previous reporting period. From 16 March to 5 October 2006, MINURSO observed eight new violations by the Royal Moroccan Army and five new violations by the military forces of the Frente Polisario, reflecting again a decrease of almost 50 per cent in the overall number of violations compared with the same period in 2005. The violations included continued incursions into the buffer strip by armed elements, construction of new physical structures, redeployment of troops and movement of weapons and military units within the restricted areas without prior notification or approval by MINURSO.

25. MINURSO continued to observe long-standing violations by both parties. These included improvements to defence structures, such as the presence of radar equipment belonging to the Royal Moroccan Army and the continued deployment of military personnel and infrastructure improvements by the Frente Polisario in the area known as the "Spanish Fort", as described in my report to the Security Council of 27 January 2005 (S/2005/49, para. 6).

26. From the start of the Mission's mandate, both parties have imposed restrictions on the freedom of movement of MINURSO military observers. The restrictions primarily relate to the denial of entry into the parties' strong points and units to verify unit strength and weapons systems. As indicated in my previous report, the Frente Polisario agreed to lift all restrictions, but this has been implemented in only one military region out of six. With regard to the Royal Moroccan Army, the restrictions are few in the Awsard sector but remain in place in all others. On 1 June, MINURSO started to record restrictions on freedom of movement for military observers as violations of military agreement No. 1. During the period from 1 June to 5 October, 539 such violations were recorded on the side of the Royal Moroccan Army and 86 on the Frente Polisario side. The presence of greater numbers of Royal Moroccan Army strong points and units explains, to some extent, the higher number of violations on its part. However, further improvements are necessary from both sides to enable MINURSO to carry out its monitoring functions more effectively.

27. With regard to military agreements Nos. 2 and 3, both parties continued to extend cooperation to MINURSO in the marking and disposal of mines and unexploded ordnance and expired ammunition. During the period under review, MINURSO discovered and marked 31 mines and pieces of unexploded ordnance and two areas with cluster bombs. MINURSO monitored the destruction of a total of 8,061 such devices, including expired ammunition, by the Royal Moroccan Army. On 27 September, a Saharan vehicle hit an anti-tank landmine near Smara, resulting in the death of one passenger and severe injuries to the other.

28. The Mission has organized activities to raise mine awareness among the population in the Territory in the form of mine-risk education in the refugee camps in Tindouf. MINURSO is also cooperating with the authorities in Mauritania and the United Nations Development Programme (UNDP) to facilitate mine-clearance activities along the Western Sahara border with Mauritania and to pursue regional mine awareness programmes. In cooperation with the Mine Action Service, MINURSO has embarked on a comprehensive mine and unexploded ordnance survey as well as clearance of areas, initially east of the berm, but with the potential to continue to other areas. An agreement was signed between the United Nations and Landmine Action, a United Kingdom-based non-governmental organization, in April 2006. Landmine Action personnel arrived in Tifariti in August and began training a local non-governmental organization. The initial priority will be to clear MINURSO tracks of mines and unexploded ordnance. The required funds were made available by the Mine Action Service and contributing nations as well as by organizations such as the Princess of Wales Memorial Fund. Funding is in place for mine/unexploded ordnance-clearance activities to continue into 2007. I wish to thank those countries and organizations that have contributed to this important project which will lead to a safer environment for all and will prepare for the safe return of refugees. I would like to encourage present and potential donors to support these important mine-action initiatives.

29. Since its deployment in 1991, MINURSO has been operating on the basis of large-scale aerial maps that have become outdated over time. To address the need for accurate mapping, a Geographic Information System (GIS) cell was established in MINURSO in June with advice and training support from the Cartographic Section of the Department of Peacekeeping Operations and the United Nations Mission in Liberia. The cell has already proved invaluable in enabling MINURSO to cooperate effectively with Landmine Action through the use of compatible technology. Cooperation would not have been possible using the old mapping system. The goal of the GIS cell is to integrate information from various sources with digital maps of main parts of the Territory, further enhancing the Mission's operational effectiveness and the safety of its personnel. The cell has already produced the first updated maps of mine and unexploded ordnance locations, as well as operational maps based on satellite imagery. Staffing of the GIS cell is currently being provided within current mission assets. Requests for civilian posts for the GIS cell will be included in the 2007/08 budget.

30. Since 1994, the Korean medical unit had provided excellent primary medical care to MINURSO civilian and military staff as well as ad hoc humanitarian medical services to the local population of Western Sahara. On 13 May 2006, after nearly 12 years of dedicated service, it handed over its tasks to a Malaysian medical unit at a parade at Mission headquarters, which was attended by diplomatic representatives and military officials of the Republic of Korea and Malaysia, as well as by the Special Representative of the Secretary-General, the Force Commander and representatives of the African Union.

B. Prisoners of war, other detainees and persons unaccounted for

31. The International Committee of the Red Cross continues to work with the parties in accounting for those who are still missing in relation to the conflict.

C. Assistance to Western Saharan refugees

32. The general food distribution programme continues to support a caseload of 90,000 beneficiaries deemed most vulnerable in the Tindouf refugee camps in Algeria and to provide an extra 35,000 food rations for refugees whose livelihoods were affected by the torrential rains of February 2006.

33. Furthermore, a supplementary feeding programme is ongoing for an average of 9,500 pregnant and nursing women as well as for children under 5 years of age who are suffering from chronic malnutrition. The food pipeline has been very fragile during recent months, as donations of food commodities were not forthcoming, which forced the World Food Programme to draw food commodities from buffer stocks supplied by the European Community Humanitarian Office.

34. For the remainder of the year, there will be a shortfall of about 3,500 tons, most of which is in cereals, while there will no longer be a security stock from which to borrow. Therefore, I call upon donors to contribute generously to the Saharan refugee feeding operation in order to prevent interruptions in food distribution.

D. Confidence-building measures

35. As indicated in my previous report to the Council (S/2006/249, paras. 18-20), the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area was resumed on 25 November 2005 after an 11-month hiatus. However, it was suspended again in late May 2006 owing to difficulties related to flight schedules.

36. From November 2005 to May 2006, 1,020 individuals benefited from the programme, bringing the overall number of beneficiaries to 2,499 persons or 727 families since the start of the programme in 2004.

37. I am pleased that the parties have now agreed to resume the exchange of family visits, and the first flight is scheduled to take place in early November. While the immediate priority is to make arrangements for this flight and those to follow, the Office of the United Nations High Commissioner for Refugees (UNHCR) continues to focus on enhancing its operational capacity in relation to this programme, to update the list of applicants to exchange family visits and to explore with the parties the possibility of expanding the programme by increasing the number of beneficiaries.

38. UNHCR and MINURSO are also continuing to work towards the organization of two seminars offering an opportunity for dialogue and interaction among prominent members of the Saharan communities living in the Territory and the refugee camps in the Tindouf area. A draft concept paper on the planned seminars has been prepared by UNHCR and MINURSO. Both parties have submitted their comments on the draft. UNHCR and MINURSO are working on a revised concept paper, which will be submitted shortly to the parties for their approval.

39. The telephone service between the Tindouf camps and the Territory continued to operate successfully throughout the reporting period, allowing 56,000 refugees to make telephone calls to their relatives in the Territory.

40. As previously reported, UNHCR remains ready to implement the postal service in accordance with the modalities initially proposed or under any terms that would meet the approval of all concerned.

41. MINURSO continues to play an important role in supporting the exchange of family visits, which includes providing logistical support to the programme and use of MINURSO aviation assets. MINURSO civilian police officers and medical staff escort the participants, monitoring their conditions and facilitating airport procedures at arrival and departure points.

42. It is important that donors remain committed to this important humanitarian initiative, which is highly valued by the Saharan populations on both sides and fosters mutual understanding among them.

E. Illegal migrants

43. In my previous report, I informed the Council that 35 migrants remained in Bir Lahlou under the care of the Frente Polisario. The group was all that remained of a much larger one that had been provided with emergency assistance by MINURSO in late 2005. During the period immediately following my previous report, a number of

the migrants left Frente Polisario premises using their own means. By 16 May 2006, only 12 migrants were left in Bir Lahlou, where they remain. They include five migrants from Ghana, two from Burkina Faso, and one each from Cameroon, the Gambia, Guinea-Bissau, Mali and Nigeria. Facilitated by MINURSO, the International Organization for Migration (IOM) is working to obtain travel documents for the Nigerian migrant, who has indicated that he wished to return home.

44. On 25 August, the UNDP Resident Coordinator in Mauritania notified MINURSO of the presence of 51 migrants in the "no-man's land" south of the berm near the border crossing between Boulanouar in Western Sahara and Nouadhibou in Mauritania. MINURSO dispatched a military patrol, including representatives from the Malaysian medical unit, to the area. Fifty men stated their nationalities. They included 5 from Senegal, 3 from Mauritania, 36 from Mali, 4 from Côte d'Ivoire and 1 each from Guinea and Kenya. They were all found to be exhausted, but otherwise in relatively good health. The remaining migrant, a man from Mali, had died shortly after arriving at their location two days earlier. The group of men were between 17 and 40 years old, with the majority in their twenties. MINURSO provided basic medical assistance, together with a small quantity of blankets and enough food and water for two days. Local Mauritanian non-governmental organizations were actively engaged in helping the migrants. UNDP held talks with the Mauritanian authorities to facilitate their entry into Mauritania. On 1 September, the migrants were transported to Nouakchott with approval of the Mauritanian authorities by a rented bus paid for by the Government of Mali. On 2 September, a MINURSO helicopter patrol confirmed that the migrants had left their location at the border.

45. On 1 September, following discussions with the Minister for Foreign Affairs of Mauritania on recent events, the UNDP Resident Coordinator for Mauritania informed MINURSO of ongoing humanitarian challenges with illegal migrants in the Territory. The Government of Mauritania reported that it continued to be pressured into accepting groups of migrants allegedly dropped at its borders. Migrants have also claimed that they had been stranded in the desert after having been forced across the berm into the buffer strip. Therefore, I call upon all concerned to cooperate in upholding their humanitarian obligations towards migrants identified within their respective territories.

46. During the previous reporting period, MINURSO held talks with UNHCR and IOM to explore ways in which a more coordinated inter-agency response might be established (S/2006/249, para. 23). A formal understanding has not yet been reached on that issue. In the meantime, MINURSO continues to urge these partner organizations to finalize an understanding that would be in the best interests of the migrants. In that regard, MINURSO will continue its close cooperation with both entities in providing ad hoc humanitarian assistance to migrants as the need arises.

F. Human rights

47. The Office of the United Nations High Commissioner for Human Rights (OHCHR) conducted a mission to Rabat, Laayoune and the camps in the Tindouf area from 15 to 23 May and to Algiers on 19 June, as referred to in my previous report of 19 April 2006 (S/2006/249, para. 41). The mission's objective was to

gather information about the human rights situation in Western Sahara and in the refugee camps in the Tindouf area in Algeria. The OHCHR delegation was to report to the High Commissioner on its findings and to make recommendations on how to assist all those concerned to improve the protection of the human rights of the people of Western Sahara. Overall, the delegation enjoyed a very good degree of cooperation by all parties during its mission. The report was transmitted on 15 September as a confidential document to Algeria, Morocco and the Frente Polisario. It would appear that the report was leaked, however, as it was published on websites on 6 October and extracts quoted in press articles. OHCHR remains committed to treating the report as confidential and regrets its publication.

G. Restructuring and administration of the Mission

48. The recommendations of a civilian management review conducted in May 2005 and a security assessment conducted in December 2005 were reflected in the proposed budget for 2006/07 (A/60/724) and are being implemented. The restructuring resulted in the transfer of 30 international staff positions to a combination of United Nations Volunteer and local staff positions. While the Mission has experienced some administrative disruption, the restructuring will permit the civilian management structure of the Mission to better match its current mandated functions, will update its civilian staffing structure in accordance with practices in other peacekeeping operations, and will provide opportunities to improve the experience base of local staff.

49. Enhancement of the physical security infrastructure for the Mission's headquarters and team sites has commenced. Blast-resistant film has been installed on all windows, and work is being undertaken to create a secure parking compound for the headquarters. Improvements to the physical security of team sites east of the berm are expected to be completed by March 2007. The Mission continues to seek approval from municipal authorities for required security enhancements at MINURSO headquarters.

50. A programme to improve the living conditions of military observers in remote team sites is also under way. It includes the progressive replacement of the softwall structures that have been in place for 15 years with more permanent structures that can withstand severe weather conditions with lower maintenance costs.

51. The military component continues to be supported by the MINURSO administrative section. Night-vision equipment has been procured and is now in use. MINURSO aviation staff has worked closely with the military component to review the use of rotary-wing aircraft in support of military operational tasks, and several improvements to the allocation of air hours and security of task information have been put in place. Education of military observers concerning use of vehicles continues in order to minimize the rate of vehicle damage, although the harsh terrain and difficult driving conditions are not conducive to prolonging the service life of United Nations vehicles.

H. Prevention of sexual exploitation and abuse

52. In its resolution 1675 (2006), the Security Council requested me to continue to take the necessary measures to ensure that MINURSO achieved compliance with the

United Nations zero-tolerance policy on sexual exploitation and abuse. MINURSO has put in place measures to ensure compliance with that policy and a personnel conduct officer post was approved as part of the 2006/07 staffing table. All incoming military staff are briefed on the prevention of sexual exploitation and abuse by the military training unit. Starting in April 2006, MINURSO has trained almost a third of its military personnel as well as international civilian staff in the prevention of sexual exploitation and abuse. Training sessions will continue to cover all civilian staff and rotating military personnel so as to ensure full awareness regarding the United Nations Code of Conduct and the United Nations policy of zero tolerance for sexual exploitation and abuse.

V. African Union

53. The observer delegation of the African Union to MINURSO, led by its Senior Representative, Yilma Tadesse (Ethiopia), continued to provide support and cooperation to the Mission. I wish to reiterate my appreciation to the African Union for its contribution.

VI. Financial aspects

54. The General Assembly, by its resolution 60/280, appropriated the amount of $44.5 million gross for the maintenance of MINURSO for the period from 1 July 2006 to 30 June 2007. Therefore, should the Security Council approve my recommendation set out in paragraph 62 below, the cost for the operation and maintenance of the Mission will be limited to the resources approved by the General Assembly.

55. As at 30 June 2006, unpaid assessed contributions to the special account for MINURSO amounted to $49.6 million. As a result of the outstanding assessed contributions, the Organization has not been in a position to reimburse the Governments providing troops for the troop costs incurred since April 2002. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,336.2 million.

VII. Observations and recommendations

56. I welcome the continued reduction in the number of violations by the parties to military agreement No. 1, which defines the ceasefire regime. However, the restrictions imposed on the freedom of movement of United Nations military observers who seek to visit the parties' units, headquarters and strong points for verification purposes have continued. It is the responsibility of the parties to ensure that violations are not committed by their military/security forces, and I would encourage the parties to lift all restrictions and extend their full cooperation to MINURSO in order to maintain the ceasefire. In that regard, and as previously noted (S/2006/249, para. 42), I would encourage the parties to cooperate with MINURSO on the review of existing military agreements to clarify any issues that may be subject to different interpretations and to ensure that basic peacekeeping principles are upheld.

57. The ceasefire went into effect on 6 September 1991. Today, 15 years later, the military parties remain without direct contact with each other. This continues to have a negative effect on mutual confidence and prevents the adoption of procedures that could help to stabilize the situation during critical periods. I would encourage the parties to work with MINURSO to establish direct cooperation and communication through a joint military verification commission and other forums. That could also help to solve problems of mutual interest, such as mine clearance and mine awareness, and be a way to improve living conditions for all concerned while ensuring continued respect for the ceasefire.

58. I am grateful to the Republic of Korea for its long-standing support to MINURSO through the deployment of a highly qualified and dedicated medical unit from 1994 to 2006. I welcome the deployment of the Malaysian medical unit and wish it equally successful service with MINURSO.

59. I am pleased to learn that the exchange of family visits between the Territory and the refugee camps in the Tindouf area will soon be resumed. The communities depend on the visits for contacts among family members who have not met for more than 30 years. I wish to congratulate the parties on reaching agreement on the resumption of this very important confidence-building measure.

60. I support the recommendation of OHCHR that all possible efforts be made to ensure respect for the human rights of the people of Western Sahara by all actors and that the United Nations explore with all relevant actors the best way to ensure adequate and continuous human rights monitoring in the region so as to guarantee the full protection of the human rights of the people of Western Sahara. I further urge the parties to remain engaged in continuous and constructive dialogue with OHCHR with a view to ensuring respect for the human rights of the people of Western Sahara.

61. Based on the assessment of the activities of my Personal Envoy, I would like to recommend that the Security Council call on the two parties, Morocco and the Frente Polisario, to enter into negotiations without preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara. The neighbouring countries, Algeria and Mauritania, should also be invited to these negotiations and would be consulted separately on issues directly affecting them, in accordance with the format that was observed during the tenure of my previous Personal Envoy, James A. Baker III. Once the parties have responded favourably to the Council's appeal, I will submit further proposals concerning the format of the negotiations, the role of the United Nations and other modalities.

62. In the existing circumstances on the ground and in the light of my Personal Envoy's ongoing efforts, I continue to believe that the presence of MINURSO remains indispensable for the maintenance of the ceasefire in Western Sahara. Therefore, I recommend that the Security Council extend the mandate of MINURSO for a further period of six months, until 30 April 2007.

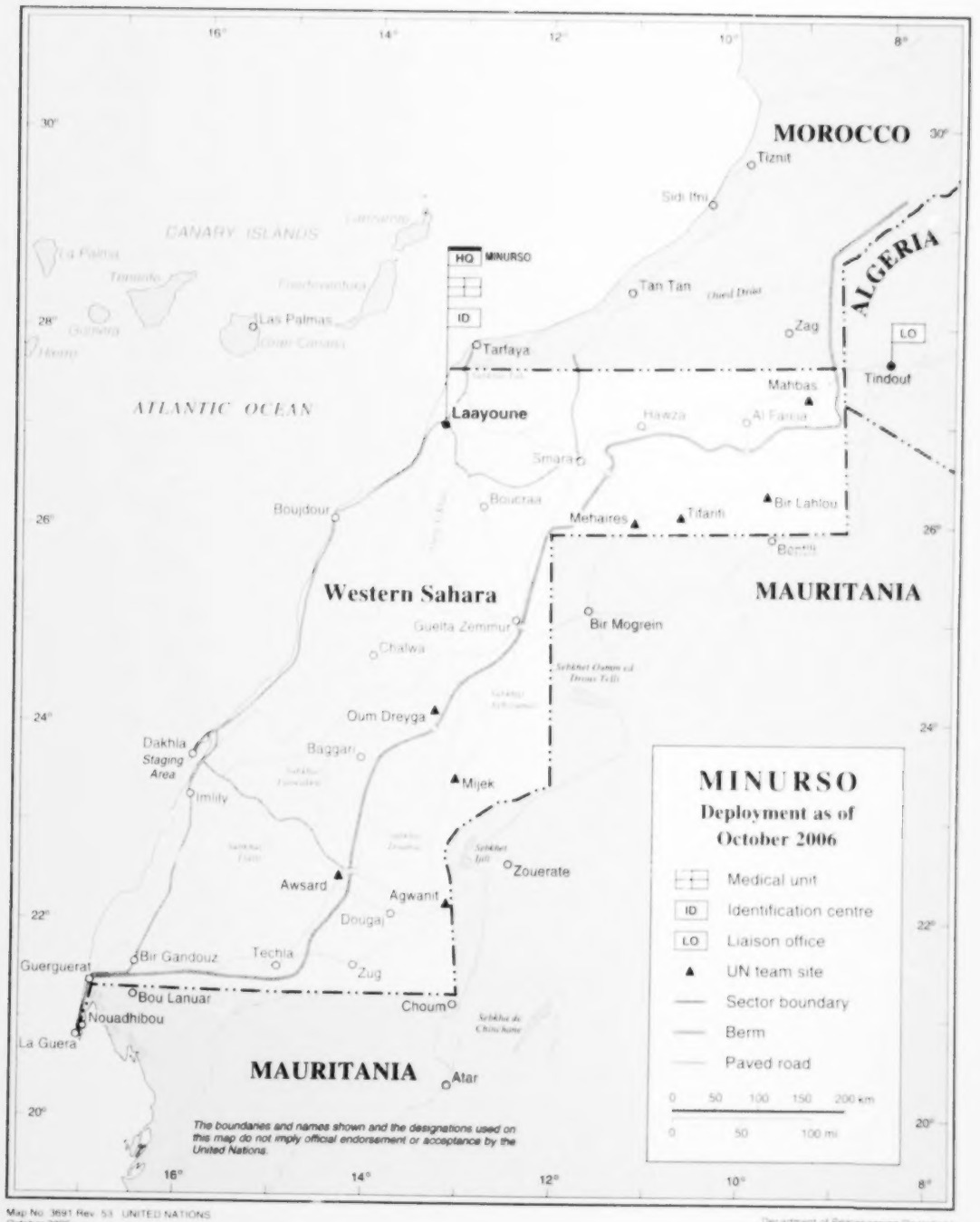
63. In conclusion, I wish to express my appreciation to my Personal Envoy for his continuing efforts in search of a solution to the question of Western Sahara, and to my Special Representative, Francesco Bastagli, who served with great dedication until the end of September 2006. I also wish to pay tribute to all military and civilian personnel serving in MINURSO for the manner in which they have discharged, under difficult circumstances, the responsibilities entrusted to them by the Security Council.

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 15 September 2006

Country	*Military observers*[a]	*Troops*[a]	*Civilian police*[b]	*Total*
Argentina	1			1
Austria	2			2
Bangladesh	8			8
China	15			15
Croatia	5			5
Denmark	1			1
Egypt	20		3	23
El Salvador	5		2	7
France	19			19
Ghana	9	7		16
Greece	1			1
Guinea	4			4
Honduras	12			12
Hungary	7			7
Ireland	3			3
Italy	5			5
Kenya	9			9
Malaysia	14	20		34
Mongolia	3			3
Nigeria	6			6
Pakistan	7			7
Poland	1			1
Russian Federation	20			20
Sri Lanka	2			2
Uruguay	8			8
Total	**187**	**27**	**5**	**219**

[a] Authorized strength of military personnel is 231.
[b] Authorized strength is 6.



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